

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

Eric Jonathan Erickson,

Debtor.

C/A No. 11-06970-DD

Chapter 7

ORDER

This matter is before the Court on a request to proceed in forma pauperis filed by Joseph Sun on August 22, 2012. Mr. Sun seeks to appeal this Court's Order Denying Motion to Reconsider entered August 13, 2012. Mr. Sun filed his Notice of Appeal to the Fourth Circuit on August 22, 2012, contemporaneously with his application to proceed in forma pauperis. In his application, Mr. Sun states that he is retired and that his only income is social security benefits, that he supports three dependents, and that no one else in his family has income. He produces no other evidence regarding his financial status.

28 U.S.C. § 1930 sets forth a schedule of fees charged in bankruptcy cases and provides that the required fee for the filing of an appeal is \$298.¹ 28 U.S.C. § 1915 provides that "any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor," if the litigant makes a showing that he is unable to pay the relevant fees or provide security. 28 U.S.C. § 1915(a)(1); *In re Nadolski*, No. 12-11225, 2012 WL 3553878 (E.D. Mich. Aug. 17, 2012). In order to proceed in forma pauperis, a litigant must show that he is unable to pay the fees and costs by affidavit. *Fromal v. Jackson (In re Fromal)*, No. 93-1883, 1995 WL 230253 (4th Cir. 1995); *Lu v. Ravida (In re Ravida)*, 296 B.R. 278, 282 (B.A.P. 1st Cir. 2003).

¹ This amount represents the \$293 for filing an appeal as set forth in 28 U.S.C. § 1930, plus the additional \$5 fee set forth in 28 U.S.C. § 1930(c).

Mr. Sun has not made such a showing. He filed an affidavit, but provides no information regarding the amount of his income or his expenses, his assets, or the ages and expenses of his dependents. Instead, he merely states that he is unable to afford the \$298 required to proceed with his appeal. This assertion, without more, is not sufficient to satisfy Mr. Sun's burden of showing that he is unable to pay the relevant fee. Mr. Sun's request to proceed in forma pauperis is denied. The fee required to proceed with an appeal, in the amount of \$298 as set forth in 28 U.S.C. § 1930, is due within ten (10) days of the entry of this Order.

AND IT IS SO ORDERED.

FILED BY THE COURT
08/30/2012



Entered: 08/30/2012

David R. Duncan
US Bankruptcy Judge
District of South Carolina